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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,058	08/01/2000	Bo Wu	ENR-003	6628
7590	12/02/2005		EXAMINER	
Wagner Murabito & Hao LLP Third Floor Two North Market Street San Jose, CA 95113			LEE, PHILIP C	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/631,058	WU, BO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Philip C. Lee	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 September 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/29/2005 has been entered.

2. Claims 1-33 are presented for examination.

3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

*Claim Rejections – 35 USC 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-2, 4-7, 10, 12-14, 16-17, 19, 21, 23-24, 28-29 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, U. S. Patent 6,002,772 (hereinafter Saito) in view of McTernan et al, U.S. Patent Application Publication 2001/0047401 (hereinafter McTernan).

6. Saito and McTernan were cited in the last office action.

7. As per claim 1, Saito taught the invention substantially as claimed comprising:  
performing a registration process with a directory device, said registration process comprises a first client device specifying media content to download (col. 6, lines 43-44; col. 7, lines 48-50);  
software operating on said media supplier (note that it is inherent that the media supplier have data management program since the supplier is capable of encrypting the data content) encrypting and transmitting said media content to said first client device after said coupling said first client device to said media supplier (5,8, figure 1; col. 7, line 48-col. 8, line 6), said software regulates distribution of said media content (col. 18, lines 30-31, 39-40) (i.e. management program generates watermark and secret-key to regulate the distribution of content);  
said software (note that it is inherent that the data management center must have data management program, which is use for generating the secret key to the first client) transmitting to said first client device an encryption key capable of decrypting said media content (col. 18, lines 32-35, 17-20; col. 6, lines 61-col. 7, lines 13; col. 8, lines 14-19);

said software transmitting a copy of said software to said first client device (col. 18, lines 17-22);

    said copy of said software operating on said first client device encrypting (col. 18, lines 52-56) and transmitting said media content to a second client device (col. 19, lines 9-16); and  
    said copy of said software transmitting to said second client device another encryption key (col. 17, lines 39-40, 52-56; col. 19, lines 9-16). (Note that the data content is encrypted with the encryption key generated by the management program and transmitted to the second user.)

8. Saito did not specifically detailing the second client device receiving the same encryption key as the first client device. However, Saito taught the method of encrypting media content from the media supplier only with the second client device data (col. 19, lines 56-60). Therefore, an encryption key capable of decrypting the encrypted media content at the first client device is the same encryption key capable of decrypting the encrypted media content at the second client device. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Saito's method because it would increase the efficiency of Saito's method by using the same encryption key for decrypting the same encrypted media content at different client devices.

9. Saito did not teach supplying a list of media suppliers after specifying the media content to download and coupling the client device to a media supplier. McTernan taught a directory device supplying to said first client device list of active media suppliers for providing said media

content after said specifying (page 3, paragraphs 40 and 42). McTernan further taught said directory device coupling said first client device to a media supplier chosen from said list of active media suppliers (page 3, paragraphs 40 and 42).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because McTernan's method of supplying a list of servers would increase the flexibility of the client in Saito's system by allowing the client to select the best connection for delivery of content (page 3, paragraph 38).

11. As per claim 13, Saito taught the invention as claimed comprising:  
specifying media content to download (col. 6, lines 43-47);  
software operating on a media supplier chosen from said list encrypting and transmitting said media content to said first client device (5, 8, fig. 1; col. 7, line 48-col. 8, line 6), said software controls distribution of said media content. (col. 18, lines 30-31, 39-40);  
said software transmitting a copy of said software to said first client device (col. 8, lines 17-22);  
downloading to said first client device an encryption key capable of decrypting said media content (col. 18, lines 32-35, 17-20; col. 6, line 61-col. 7, line 13; col. 8, lines 14-19);  
said copy of said software operating on said first client device encrypting (col. 18, lines 52-56) and transmitting said media content to a second client device (col. 19, lines 9-16);  
and

downloading to said second client device said encryption key (col. 17, lines 39-40, 52-56; col. 19, lines 9-16).

12. Saito did not specifically detail the second client device receiving the same encryption key as the first client device. However, Saito taught the method of encrypting media content from the media supplier only with the second client device data (col. 19, lines 56-60). Therefore, an encryption key capable of decrypting the encrypted media content at the first client device is the same encryption key capable of decrypting the encrypted media content at the second client device. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Saito's method because it would increase the efficiency of Saito's method by using the same encryption key for decrypting the same encrypted media content at different client devices.

13. Saito did not teach supplying a list of media suppliers after specifying the media content to download. McTernan taught said directory device supplying to said first client device a list of media suppliers for providing said media content after said specifying (page 3, paragraphs 40 and 42). McTernan further taught coupling said first client device to a directory device (page 3, paragraphs 40 and 42).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because McTernan's

method of supplying a list of servers would increase the flexibility of the client in Saito's system by allowing the client to select the best connection for delivery of content (page 3, paragraph 38).

15. As per claim 24, Saito taught the system as claimed comprising:
  - a media supplier upon which software operates for encrypting and transmitting media content (5, 8, fig. 1; col. 7, line 48-col. 8, line 6) and for transmitting a copy of said software (col. 18, lines 17-22), said software regulates distribution of said media content (col. 18, lines 30-31, 39-40);
  - a first client device coupled to said media supplier and for receiving said media content from said media supplier (5, 8, fig. 1; col. 7, line 48-col. 8, line 6) and for receiving said copy of said software,(col. 18, lines 17-22), said first client device for receiving a first encryption key for decrypting said media content (col. 18, lines 32-35, 17-20; col. 6, lines 61-col. 7,lines 4; col. 8, lines 14-19); and
  - a second client device coupled to said first client device and for receiving said media content from said first client device (col. 19, lines 9-16), said second client device for receiving a second encryption key for decrypting said media content (col. 17, lines 39-40, 52-56; col. 19, lines 9-16).

16. Saito did not teach supplying a list of media suppliers after specifying the media content to download. McTernan taught a directory device for supplying to said first client device a list of active media suppliers for providing said media content after said specifying (page 3, paragraphs

40 and 42). McTernan further taught a directory device for coupling said first client device to said media supplier (page 3, paragraphs 40 and 42).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because McTernan's method of supplying a list of servers would increase the flexibility of the client in Saito's system by allowing the client to select the best connection for delivery of content (page 3, paragraph 38).

18. As per claims 2 and 14, Saito and McTernan taught the method substantially as claimed in claims 1 and 13 above, Saito further comprising:

coupling said second client device to said directory device (col. 5, lines 24-30; col. 8, lines 37-47).

19. As per claims 4, Saito and McTernan taught the method substantially as claimed in claim 1 above. Saito further taught comprising:

said copy of said software transmitting a copy of said copy of said software to said second client device (col. 19, lines 20-23).

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20. As per claim 5, Saito and McTernan taught the method substantially as claimed in claim 1 above. Saito further taught wherein said copy of said software does not allow said media content to be downloaded without a client device interacting with its interface (col. 18, lines 12-16) (Note that the client device can obtain the encrypted data via the network. This means the client must interact with its interface in order to establish a connection with the computer with the copy of software to download the encrypted data.)

21. As per claim 6, Saito and McTernan taught the method substantially as claimed in claim 1 above. McTernan further taught wherein said copy of said software does not allow said media content to be downloaded by said second client device without said second client device first communicating with said directory device (page 3, paragraphs 40 and 42) (Note that McTernan taught a directory device for supplying a list of active media supplier for downloading the media content. This means that the client device must first communicating with the directory device in order to know which server for supplying the media content is active.)

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because McTernan's method of supplying a list of servers would increase the flexibility of the client in Saito's system by allowing the client to select the best connection for delivery of content (page 3, paragraph 38).

23. As per claim 7, Saito and McTernan taught the method substantially as claimed in claim 1 above. McTernan further taught wherein

said directory device creating said list of said active media suppliers (page 3, paragraphs 40 and 42).

24. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because McTernan's method of a list of active servers would increase the flexibility of the client in Saito's system by allowing the client to select the best connection for delivery of content (page 3, paragraph 38).

25. As per claims 10, 21 and 32, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito further taught wherein  
said media supplier comprises a third client device (col.20, lines 28-32).

26. As per claims 12 and 23, Saito and McTernan taught the invention substantially as claimed in claims 1 and 13 above. McTernan further taught comprising:  
supplying to said second client device a second list of active media suppliers for providing said media content (fig. 1 and page 4, paragraph 54). (Note that McTernan taught a plurality of clients (e.g. 102, fig. 1) can be supplied with a list of active media server for providing the media content. It is inherent that a first, second and third client can be supplied with a list of active media server for providing the media content)

27. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan for the reason set forth in claim 1 above.

28. As per claims 16 and 28, Saito and McTernan taught the method substantially as claimed in claims 13 and 24 above. Saito further taught wherein said first client device receives said encryption key from said media supplier (4, figure 3; col. 14, lines 28-35; col. 14, lines 4-16).

29. As per claims 17 and 29, Saito and McTernan taught the method substantially as claimed in claims 13 and 24 above. Saito further taught wherein said first client device receives said encryption key from said directory device (3, figure 1, col. 6, lines 61-col. 7, lines 4).

30. As per claims 19 and 31, Saito and McTernan taught the invention substantially as claimed in claims 13 and 24 above. Saito further taught wherein said second client device receives said second encryption key from said directory device (17, figure 1, col. 9, lines 8-19).

31. As per claim 33, Saito and McTernan taught the invention substantially as claimed in claim 24 above, Saito further taught wherein said directory device for coupling said second client device to said first client device (3, figure; col. 14, lines 28-35).

32. Claims 3, 15, 18 and 30 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and McTernan in view of Herlin et al, U.S. Patent 5,915,021 (hereinafter Herlin).

33. Herlin was cited in the last office action.

34. As per claims 3 and 15, Saito and McTernan taught the method substantially as claimed in claims 1 and 13 above. Saito and McTernan did not teach said second client device receiving said encrypted media content from said first client device. Herlin taught the method of coupling said second client device to said first client device (col. 11, lines 29-40).

35. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, McTernan and Herlin because Herlin's method of coupling the second client device to the first client device would improve the security of Saito's and McTernan's methods by allowing the second client device to request permission from the first client device in order to receive the encrypted media content from the first client device.

36. As per claims 18 and 30, Saito and McTernan taught the method substantially as claimed in claim 13 and 24 above. Saito and McTernan did not teach said second client device receives said encryption key from said first client device. Herlin taught the method of said second client device receives said encryption key from said first client device (col. 4, lines 22-33).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, McTernan and Herlin because Herlin's method of receiving said encryption key from another client device would increase the efficiency of Saito's and McTernan's systems by allowing the encryption key to be distributed by another user to increase the response time for requesting media content.

38. Claims 8-9, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and McTernan in view of Wiser et al, U.S. Patent 6,385,596 (hereinafter Wiser).

39. Wiser was cited in the last office action.

40. As per claims 8, 20 and 25, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito and McTernan did not specifically detailing the content of the encrypted media. Wiser taught that the encrypted media content include video, audio, graphics, software, or information (col. 8, lines 11-17).

41. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, McTernan and Wiser because Wiser's method of including different types of media content would enhanced Saito's and McTernan's methods by increasing the field of use for his system.

42. As per claim 9, Saito and McTernan taught the method substantially as claimed in claim 1 above. Saito and McTernan did not teach the type of device used as the media supplier. Wiser taught the media supplier comprises a computer (col. 6, lines 4-8).

43. Claims 11, 22 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and McTernan in view of Saito, U.S. Patent 5,867,579.

44. Saito, U.S. Patent 5,867,579 was cited in the last office action.

45. As per claims 11, 22 and 26-27, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito and McTernan did not specifically detailing the type of client device. Saito, U.S. Patent 5,867,579, taught wherein said first client device is a computer, set-top-box, or digital recording/play back device (col. 23, lines 33-40).

46. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because the combine teachings of Saito and McTernan would effectively cover larger range of use by including more details in his systems.

47. Applicant's arguments with respect to claims 1-33, filed 09/29/05, have been fully considered but are not deemed to be persuasive.

48. In the remarks, applicant argued that:

(1) Saito and McTernan, alone or in combination do not teach software operating on said media supplier encrypting and transmitting said media content to said first client device after said coupling said first client device to said media supplier, said software regulates distribution of said media content; said software transmitting a copy of said software to said first client device.

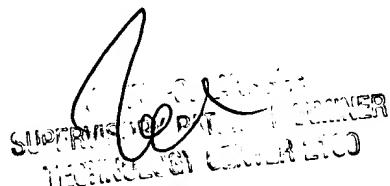
49. In response to point (1), Saito and McTernan, in combination taught the invention substantially as claimed. Specifically, Saito taught software operating on media supplier encrypting and transmitting media content to a first client device after coupling said first client device to the media supplier (5, 8, fig. 1; col. 7, line 48-col. 8, line 6) (Note that the media supplier must have data management program since the supplier is capable of encrypting the data content and transmitting the encrypted data content to the client.), said software regulates distribution of said media content (col. 18, lines 30-31, 39-40) (the data management program (i.e. said software) generates watermark and secret-key to regular the distribution of content). Saito further taught said software transmitting a copy of said software to said first client device (col. 18, lines 17-22). (A copy of data management program for encrypting data content on the client device is transmitted to the client device.)

### **Conclusion**

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50. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.



PHILIP C. LEE  
SUPERVISOR OF EXAMINERS  
TELECOMMUNICATIONS